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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,923	07/09/2001	Paul Elliott	PE-1	8404

7590

03/09/2006

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EXAMINER

BRITTAIN, JAMES R

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,923

Applicant(s)

ELLIOTT, PAUL

Examiner

James R. Brittain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2005 and 13 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14, 17 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14 and 17 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

While agreement was reached in the interview on December 13, 2005 that claim 14 as proposed would avoid the art utilized in the prior rejection, it was noted that further search was required and the result is Hodges (US D 384717) as utilized in the below rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oster (US 5902661) in view of Hodges (US D 384717), Zeltner (US 4912800) and McGhee (US 6363244).

Ostser (figure 2) teaches a towel attachment device comprising a first material 12 with a clip 52 attached to the upper middle portion of the towel for securing the towel and a second piece of material 18 in a lower corner of the golf towel where the two edges coinciding with the periphery of the towel are sewn to the towel so as to create a corner pocket or flap that permits cleaning an item inserted therein. The differences are that the first and second materials are not rectangular with a carabiner secured to an eyelet of an upper corner of the first material and the

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two materials are not secured together at a first edge of the second material that is parallel to and approximately equi-spaced between the first and third sides of the first material. However, Hodges (figures 1-6) teaches rectangular sports towel structure with the first material being rectangular and the second material having a point of securement clearly between the two sides of the first material so as to define a pocket in the corner so that the two materials at locations spaced from their lines of attachment can pivotally separate from each other along their lines of attachment for insertion of the golf putter so as to better conform to the object placed in the pocket, Zeltner (figure 1)) teaches towel attachment structure comprising a flat, rectangular shaped towel 12 made of a single sheet of material and including an eyelet 18 extending therethrough adjacent a corner of said towel, a clasp 22 for releasably securing the device to a golf bag, the clasp appearing from the figure 1 to comprise a common spring wire openable loop so that the towel is releasably secured to the golf bag and McGhee (figure 1) teaches the use of a C-shaped carabiner with a pivoted latch as being well known for securing a depending object from the belt loop of a user by securing the carabiner through the eyelet in the tether so as to be more easily secured and more dependable to a belt loop than a clip (col. 1, lines 57-63). It would have been obvious to modify the towel attachment device of Oster so as to configure the corner pocket so as to have an interior seam so as to better conform to the held object while also utilizing an overall rectangular shape for the first material as taught by Hodges and while the second material is not completely rectangular the use of a rectangular shaped pocket is an alternative common shape used to conform to objects held in a pocket and is easy to assemble, to modify the towel attachment device of Oster to utilize an eyelet in the corner of a towel for securing a clasp comprising a common spring wire openable loop so that the towel is secured to

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a golf bag in view of Zeltner and to further utilize a carabiner with a pivotally secured gate in view of McGhee teaching such structure as providing easier securement and more dependability than a clip (col. 1, lines 57-63). As to claim 17, the second piece of material taught by Oster is considered a club cloth.

Response to Arguments

Applicant's arguments filed November 30, 2005 and December 13, 2005 have been fully considered but they are not persuasive. Applicant's arguments are centered upon the second piece of material defining a flap and are persuasive for dependent claim 19, which defines the term. However, for independent claim 14, there is no claim limitations prohibiting the second material from forming a pocket and the rejection is appropriate since claim 14 is of broader scope than claim 19 because the scope of claim 19 must be narrower than the scope of claim 14 from which claim 19 depends.

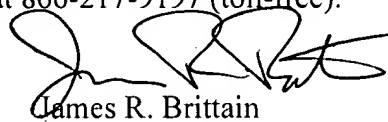
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James R. Brittain
Primary Examiner
Art Unit 3677

JRB